

LATHAM & WATKINS LLP
Peter A. Wald (Bar No. 85705)
peter.wald@lw.com
Darius Ogloza (Bar No. 176983)
darius.ogloza@lw.com
Sarah M. Ray (Bar No. 229670)
sarah.ray@lw.com
Jonathan F. Beardsley (Bar No. 240994)
jonathan.beardsley@lw.com
505 Montgomery Street, Suite 2000
San Francisco, California 94111-2562
Telephone: +415.391.0600
Facsimile: +415.395.8095

Attorneys for Defendant
EQUITY TRUST (JERSEY) LIMITED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OLIVER HILSEN RATH,

Plaintiff,

v.

EQUITY TRUST (JERSEY) LIMITED,
CANOVER INVESTMENTS PLC, AND
DOES 1-10,

Defendants.

CASE NO. C-07-4162 WHA

DEFENDANT EQUITY TRUST (JERSEY)
LIMITED'S NOTICE OF MOTION AND
MOTION TO DISMISS COMPLAINT FOR
IMPROPER VENUE, LACK OF PERSONAL
JURISDICTION, INSUFFICIENCY OF
SERVICE OF PROCESS, AND *FORUM NON
CONVENIENS*

Date: October 18, 2007
Time: 8:00 a.m.
Place: Courtroom 9, 19th Floor
Judge: Honorable William H. Alsup

Complaint Filed: August 14, 2007

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that defendant Equity Trust (Jersey) Limited ("ETJL"), hereby specially appears to move this Court, pursuant to Federal Rule of Civil Procedure ("FRCP") 12(b)(3), to dismiss the complaint on the basis that venue in this court is improper under forum selection clauses set forth in the management agreement and settlement agreement that govern relations between ETJL and plaintiff and are applicable to this case. In the alternative, ETJL moves, pursuant to FCRP 12(b)(2) and 12(b)(4), to dismiss the complaint on the related bases that this Court lacks personal jurisdiction over ETJL and insufficiency of service of process. As a second alternative, this Court should dismiss the complaint under the *forum non conveniens* doctrine.

These alternative motions are set to be heard on October 18, 2007 at 8:00 a.m., or as soon thereafter as they may be heard, before the Honorable William H. Alsup in Courtroom 9 of the above-named Court at 450 Golden Gate Avenue, San Francisco, California, 94102.

RELIEF REQUESTED

ETJL seeks an Order dismissing the complaint because venue is improper under forum selection clauses applicable to this case. Alternatively, ETJL seeks dismissal for lack of personal jurisdiction/insufficiency of process and for *forum non conveniens*.

Dated: September 6, 2007

Respectfully Submitted,

LATHAM & WATKINS LLP

By /s/ Jonathan Beardsley
ATTORNEYS FOR EQUITY TRUST
(JERSEY) LIMITED